

REMARKS

Claims 6-16, 21-24, 29-34, 39-47 have been canceled.

Claims 1, 2, 5, 17, 18, 19, 20, 25-28, 35-38 are pending.

On page 2 and on pages 6 and 7 of the May 7, 2003 Office Action, the Examiner states that the Applicant failed to recite complete ATCC accession information in claims 1-2, 20 and 46. Applicant respectfully disagrees. All claims 1, 2, and 20 (claim 46 is canceled) recite "ATCC Accession No: PTA-3967." Thus, Applicant respectfully submits that these claims do in fact recite complete ATCC accession number information.

Applicant has amended its seed deposit compliance statement under the Budapest Treaty on page 21 to conform to Examiner objections in other similar cases. Applicant respectfully submits that the amendment to page 23 of the specification overcomes the Examiner's rejection under 35 U.S.C. 112, first paragraph.

In response to the objections set forth on page 2 of the May 7, 2003 Office Action, Applicant has amended 5, 8, 18, 19, 26-28, 36-38 to provide the proper articles and antecedent basis.

The specification has been amended by deleting reference to internet addresses.

On page 3 of the Office Action, claims 1-47 stand rejected under 35 U.S.C. 112, second paragraph, for failing to recite the ATCC accession number. As stated above, the accession number PTA-3967 is in fact included in all claims. Thus, Applicant respectfully submits that an amendment to this paragraph is not needed.

On page 4 and 5 of the Office Action, the Examiner makes numerous 35 U.S.C. 112, second paragraph rejections. Claims 19, 25, and 35 have been amended to overcome the rejections. The remaining rejections are overcome by the cancellation of claims 10, 16, 21, 22, 23, 31, 32, 33, 41, 42, 43, 45 and 46. Applicant respectfully submits that amended claims 19, 25, and 35 are now in allowable condition.

The enablement and descriptiveness rejections set forth on pages 7 -11 of the May 7, 2003 Office Action are directed to claims 16, 46-47 (enablement) and 6-17, 21-24, 29-34, 39-41, 43-47 (written description). These claims have been cancelled, thereby overcoming the corresponding rejections.

In view of the above amendments and remarks, it is submitted that the application is ready for allowance. If any additional information is needed, the Examiner is invited to call the undersigned attorney at (919) 541-8614.

Respectfully submitted,



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